THE RECONSTRUCTIONIST

DEDICATED TO THE ADVANCEMENT OF JUDAISM AS A RELIGIOUS CIVILIZATION, TO THE UPBUILDING OF ISRAEL'S ANCIENT HOMELAND, AND TO THE FURTHERANCE OF UNIVERSAL FREEDOM, JUSTICE AND PEACE.

Vol. II. February 21, 1936 Shebat 28, 5696 No. 1.

EDITORIALS

AFTER THREE YEARS

MODERN IDOLATRY

"GETTING THE CROWD"

THE STATUS OF THE JEWISH WOMAN

By Mordecai M. Kaplan

JEWISH NARRATIVE LITERATURE

By Ira Eisenstein

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The Reconstructionist Enters Upon Its Second Year of Publication and Reiterates Its Adherence to the Platform Originally Set Forth in Its First Issue, Summarized Below:

WE approach our task from the point of view of Judaism as a religious civilization. We envisage Judaism as the proper concern of all Jews, religious and unreligious, conservative and radical. . . .

IN affirming that Judaism is a civilization we give emphasis to the fact that it includes . . . communal organization, language, law, art, *mores,* customs, as well as religion. Moreover, all of these elements are organically related to each other; to omit any of them is to distort Judaism. All of them are functions of the group life of Israel and cannot be maintained unless we maintain the unity and integrity of the Jewish people and the continuity of its spiritual efforts.

WE believe that the material and spiritual welfare of the Jews can be achieved only through Jewish communal organization. . . . We favor the establishment of Jewish communal life in America, democratically administered and organized in such a manner as to include all Jews who wish to identify themselves with the Jewish people, regardless of what their personal philosophy may be.

IN affirming that Judaism is a *religious* civilization, we recognize first, the historic fact that the God idea has dominated the entire pattern of Jewish life in the past, and that continuity with our past is impossible without giving to religion a position, if not of primacy, at least of *primus inter pares;* and secondly, the social fact that a mature and complete civilization is bound to find expression in the idea of God and in forms of religious worship in which the hopes and ideals of human life are rendered articulate. It is that very sense of need for religion that impels us to reinterpret the traditional beliefs in keeping with what for us must be a tenable world outlook, and to revise and develop the traditional usages in keeping with spiritual needs which we can genuinely experience.

WE consider the establishment of Palestine indispensable to the life of Judaism in the diaspora. We seek to enable Jewish civilization so to root itself in the soil of Palestine as to make of the land the cultural center for Israel's intellectual and spiritual rebirth. We oppose any attempt to render Palestine the object of imperialist aims or the victim of private profit-seeking. We endorse every effort toward the establishment of a cooperative commonwealth in Palestine based upon social justice and social cooperation. . . .

WE are opposed to Fascism in every form. We object to any philosophy of government which seeks to curtail the rights of individuals to the free pursuit of personal salvation through participation in any religious or cultural activity, or through affiliation with any national or ethnic group. . . . Recognizing the horror and irrationality of war as a means of adjusting conflicting interests, we shall support every effort looking to the perfection of machinery for the peaceful adjudication of such conflicts and to the utilization of such machinery as exists, wherever possible. Under no circumstances shall we give countenance or support to an imperialistic war that is designed to advance the interests of exploiting and oppressing classes. . . .

SOCIAL righteousness is possible only upon the establishment of a cooperative society, the elimination of the profit system, and the public ownership of all natural resources and basic industries. Until these objectives are achieved our sympathies and our support go to labor in its struggle with its employers for a more equitable distribution of the income of industry, and in the assertion of its right to organize for the protection of its interests without interference from its employers.

—*From "The Reconstructionist," January* 11, 1935.

THE

RECONSTRUCTIONIST

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EDITORIALS

After Three Years

NAZI Germany has just celebrated its third birthday and Jewry, one of the principal victims of the Third Reich, ought to pause for a moment to take stock. We know, of course, that these have been bitter years, years of relentless persecution, of vilification of Jewish honor, and of unheard-of brutalities against our people. We know too that mass protests, diplomatic pressure and even the boycott do not seem to have in the least diverted the Nazi chieftains from their cruel course. Hitler may have forgotten to emancipate the German people from its slavery to finance capital; but there is at least one plank in his platform that he remembers well and means to carry out, and that is, ceaseless warfare against Jewry.

Some of our people have grown panicky. They have come to feel that there can be no future for the Jews in Germany, that there is only one thing they can now do to save themselves and that is to emigrate. And some of our people have become so impressed with the need for emigration that they are willing to see it take place at whatever cost. What is the meaning of that now repudiated transfer plan according to which some 200,000 Jews would leave Germany, if not that some of us were willing to pay ransom money for our people's safety, that we were willing to purchase the freedom of some of our brethren, even at the price of helping the Nazi state and strengthening the Third Reich's economic position. We are glad that the plan has been repudiated by the responsible leaders of world Jewry. It is quite clear that whatever else the Jews must do, they cannot fall into that sort of trap.

But an equally dangerous position has been expounded in other circles. According to William Zuckerman, in an article in a recent issue of *The Nation,* the path to be followed by German Jewry is to identify itself with the underground anti-Nazi movement, and fight for the overthrow of Hitler. "It is only the Jewish nationalist, with a mentality akin to that of other nationalists," he says, "who finds it easy . . . to accept with equanimity the prospect of a Jewish exodus from Germany." The Nuremberg laws, he feels, ought to be a challenge to the Jew to throw in his lot and energies with the struggling German working class which is trying to break the power of the Fascist state. A similar position has been maintained by many Jewish radicals who have now felt called upon to discuss the Jewish problem. They pooh-pooh relief action or the encouragement of emigration. The Jews must stay in Germany and fight it out; otherwise, they will be guilty of the complete surrender of their rights.

We believe that this approach is equally

fallacious, and that it is fraught with great danger. No one contemplates with "equanimity" the Jewish exodus from Germany, but it is rather naive to speak of the Jews as a group identifying themselves with the working class and fighting against the Nazis. There are, undoubtedly, many Jews who, as individuals, are active in the underground anti-Nazi movement, but such activity presupposes a degree of political education which the average Jew, as a member of the middle class, does not possess. The Jew, moreover, is in an exposed position, and is denied every opportunity for social intercourse with the rest of the German population. If Thaelman were released tomorrow, could he be very active in the Nazi opposition? Definitely not, because as a known leader of an outlawed political party that is warring against Nazism, he will be watched. The German Jews are in an equally exposed position. They are marked in their very being Jews as a target for Nazi attacks. There is no question that as a group there is very little that they can do to fight the present regime.

We do not sanction any general transfer agreements that would serve the interests of Nazi economics. At the same time, we cannot naively sit back and say that the solution to the German-Jewish problem lies merely in the Jews' fighting for their rights. World Jewry has a definite part to play. Relief should be extended to needy Jews inside Germany. Wherever it is possible, German Jews should be given the opportunity to emigrate and reestablish themselves in new homes. The present plan of rescuing the young Jews of Germany by transferring large numbers of them to Palestine, and other countries, is, we believe, a constructive step, and deserves our full support. At the same time, we should continue the fight against Hitler, through an intensification of the boycott, and such other anti-Nazi action as circumstances will make possible. The emigration of Jews from Germany does not preclude a continuation of the boycott.

On this, the third birthday of the Nazi state, we reaffirm our faith in the ultimate victory of civilization against Nazism. Three years is, historically speaking, a very short time. We do not know how much longer Hitlerism will last, but all that is best in Germany herself, her liberal and religious forces, her scientists and men of letters, her pastors and intellectuals, her working class, her humanitarians and pacifists,—all these are on our side. We shall not lose.

Modern Idolatry

THE political campaign of 1936 promises to be one of the most exciting in many years. After six years of depression, the American people are beginning to show signs of restlessness, and their interest in national affairs has grown with the growth of their sense of insecurity and with the shrinkage of their economic opportunities. They listened very carefully therefore to the series of addresses that opened the campaign. They listened to Roosevelt addressing Congress, Smith addressing the Liberty League; they listened to Robinson and Borah, Landon and Talmadge and Norman Thomas. This new preoccupation with political affairs has been aided by the development of the methods of communication, and today millions of American families keep in close touch with the state of the nation by means of the radio. Certainly, nobody can complain any more about the indifference of the American public to politics.

While it is true, however, that Americans have begun to be aware of political developments, they have not yet learned to think realistically about their problems. By realistic thinking we mean analyzing the existing conditions of American life and measuring to what extent those conditions contrast with the needs of the American people. We are treated to very little of that kind of thinking. Instead, we have heard epithets, recriminations and sanctimonious reference to "liberty," "freedom," and "the sacred Constitution."

We have heard Smith call Roosevelt a "Socialist" and Thomas call Smith a "Tory." Francis Bacon gave the classic name of "Idols of the Market Place" to the errors which are due to the misuse of words. The most serious error lies in the distraction of our minds from the vital issues at stake. The use of such slogans in political contest is usually deliberate, calculated to appeal to the blind prejudices of the voters. Candidates know that certain words evoke negative reactions. Such words, for example, are "socialist," "communist," "alien," "imported doctrine," "red," "bolshevik," "un-American," "tyranny." These words they sedulously associate with their opponents. With themselves they contrive to associate such terms as "liberty," "American," "freedom," "Old Glory." Similarly, they invoke the memory of national heroes and identify themselves in the minds of the public with those heroes.

As a result of this kind of appeal to the emotions of Americans, the air is literally filled with words which themselves become idols; no attempt is made to look behind the idol itself to its meaning, to the reality which the symbol merely represents. Nobody attempts to define in terms of human beings and their relation to each other exactly what he means by the "liberty" or "freedom." Freedom to do what? Liberty to do what? What is exactly the trouble with "alien" or "imported doctrine?" Is an idea automatically rendered false simply because an American did not think of it first?

The failure to think realistically is not new (witness Bacon); and it is today not confined to Americans. We Jews are guilty of indulging in the same bad habits of thought. We make idols of certain words: "tradition," "religion," "unity." We use these words in exhortation to Jews to be better Jews; we urge them to unite, to be more religious. But we rarely ask ourselves exactly what we mean by these words. We are all victims of the habit.

Our Sages once remarked, in effect, that the Sabbath was meant for man, not man for the Sabbath. Recently, out of the welter of speeches a similar remark emerged, that the Constitution was made for man, not man for the Constitution. These two analogous statements represent the only intelligent approach to our pressing problems. We are confronted today with certain fundamental ills in our society: unemployment, slums, insecurity, the extraordinary bounty of nature and the machine going to waste while men, women and children go hungry, monopolistic control of natural resources, the precarious state of minorities, immanent war. These are the realities which we should face. What are our aims? We seek security, health, peace, and the opportunity for self-realization for every human being. These are our purposes. Let us then address ourselves to these purposes in the light of these realities, and cease our blind worship of idols. Let those who strive to abolish war not be daunted by the epithet "pacifist" or "coward." Let those who seek a broader distribution of the goods of the world not be halted by fear of being called names like "socialist" and "communist." Let those who know a method of achieving widespread security advocate that method no matter who invented it, American or "alien."

Long ago our people led the fight against idolatry. Today we are plagued by a similar force of darkness. Our historic experience should help us to overcome the fatal error of practicing modern idolatry, and to become a force for good in this land in which we live.

"Getting The Crowd"

A NEW disease has become epidemic among Jewish institutions. It is a disturbance of the mind rather than of the body. It is none the less a threatening condition. We refer to the obsession which has settled down upon Jewish organizational leaders generally, the obsession of numbers. The presence of this malady reveals itself in an intense preoccupation with "getting a crowd."

To be sure, the presence of large numbers of people at any function or activity of a public character is desirable if the activity is valuable. When a speaker has a message of importance to convey to a group, it is obviously to be preferred that that message be delivered to many people. When an artist communicates his authentic vision of the beautiful, that vision should be participated in by multitudes. When a Jewish cause that has value for the Jewish organism is being advanced, the more that cooperate with that cuase, the better its chances of success. On ideal grounds alone, therefore, crowds and numbers are often to be desired.

And we admit "getting a crowd" has other values as well. It is encouraging to those who are engaged in a piece of work to know that they are meeting with mass support. A sense of warmth and enthusism is engendered. This psychological truth was recognized centuries ago and is epitomized in the phrase, "In the multitude of people is the majesty of a king."

What is more, those who labor on behalf of a cause often grow weary of assuming responsibility which should devolve upon large masses of individuals. These select few assemble time and time again doing society's work until they rebel against the fact that others have thrown upon them obligations which are not the peculiar property of a limited number. When, then, these few find themselves rewarded by mass support, this bitter resentment is mitigated. They tell themselves they do not stand alone, that others too accept in some measure the responsibility which they have taken upon themselves. Crowds, numbers, large attendances—these then are all valuable.

And yet, this concern with numbers has become a dangerous element in contemporary Jewish life. The size of crowds has become a criterion by which activities or personalities are judged. It has become an end in itself. The results are little less than disastrous. Men's clubs and sisterhoods resort to all sorts of vulgar, distasteful devices to "get the crowd." Rabbis are driven to dealing with sensational futilities from their pulpits, all in order to be able to point to the size of the audience which listens to them. For presidents of men's clubs and rabbis of congregations alike are obsessed with the delusion that size means significance. What is more, they are aware of the fact that they will be judged by this criterion and that their very tenure of office may depend upon that judgment. The destructive effects of this obsession of numbers are not hard to perceive. In order to get a larger group, one needs the more sensational methods. In order to keep that crowd increasing, one must strive toward an ever lower common denominator of interest. In consequence, those persons who possess delicacy of taste and seriousness of attitude—the very people who are most important to any cause—these are the ones who are alienated, repelled and lost by the very tactic which is employed. What is more, nothing is accomplished by a large assemblage of human beings when the size of the assemblage becomes the dominant end. It then becomes impossible to treat seriously with problems. One must rather amuse, divert and perhaps shock. These are the emotional experiences which represent the lowest common denominator. Thus, the very tactic of being concerned with large numbers proves to be a boomerang and ends in a total frustration of significant achievement. Rabbis, educators, social workers and those who head Jewish organized activities should take heed and warning. They must resist to the full the temptation of adopting the policy of "any means to an end." They must avoid the vulgar, the distasteful, and realize that it will alienate those whose personalities are most worthy. We offer these criteria for all activities,—that the goal never be lost sight of, that no enterprise be undertaken which does not contribute to that goal directly, that nothing be done merely for the sake of numbers without regard to objectives. If ultimate ends are kept carefully in view, then dignified procedures for enlisting for

those ends as many as possible are in place. But let the end be the criterion and nothing else.

For American Jewish organized life has this alternative before it. It can, on the one hand, continue to concern itself with crowds, progressively vulgarizing itself, alienating the intelligent, and losing sight more and more completely of purposes. In brief, it can turn itself into a circus, diverting and amusing, but ultimately degrading and trivial. Or it can in each of its several activities insist upon its ends, constructing a dignified machinery for enlisting support for these ends without any sacrifice of meaning or good taste. Only this method is really significant. But in order that this procedure be followed, leaders and followers alike must rid themselves of the obsession of "getting the crowd" at any costs and without regard to purpose.

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The Status of the Jewish Woman

By Mordecai M. Kaplan

FEW aspects of Jewish thought and life illustrate so strikingly the need of transforming and reconstructing what has come down to us from the past as the traditional status of the Jewish woman. In Jewish tradition, her status is unquestionably that of inferiority to the man. If the Jewish woman is to contribute her share to the regeneration of Jewish life, and if in turn Jewish life is to bring out the powers for good that are in her, this status must be changed. She must attain in Jewish law and practice a position of religious, civic and juridical equality with the man, and this attainment must come about through her own efforts and initiative. Whatever liberal minded men may do in her behalf is bound to remain but a futile and meaningless gesture. The Jewish woman must demand the equality due her as a right to which she is fully entitled. That right is conceded to her in other civilizations where she is treated as a full-fledged person. There is no reason why the Jewish civilization should persist in treating her in this day and age as though she were a minor, a half-wit, or a slave.

I.

As a prerequisite to her self-emancipation, the Jewish woman must be on her guard against being misled into believing that all she needs to do to improve her position is to carry out the spirit of Jewish traditional teaching. The first step in her struggle for equality is to have her eyes opened to the truth concerning her position in Jewish life and teaching of the past. She must be made aware that her status, as defined in Jewish tradition, is not only incompatible with enlightened opinion, but also prejudicial to her material and spiritual interests. Too much of what has been said and written about the Jewish woman is of a character that is apt to act as an opiate, and to set her mind at rest instead of arousing her to an awareness of the disabilities which are imposed upon her by traditional law. Numerous discourses have been delivered and essays written on the glorious role of the Jewish woman in the past, the implication being that, if there is anything wrong with her present condition, it is entirely due to her unwillingness to play that same role in our day. It has become a stereotype procedure with Jewish lecturers and writers to cite a number of instances of women whose names figure in our history as an evidence that, so far as Judaism itself is concerned, there is nothing to prevent the Jewish woman from attaining complete self-fulfillment.

To reenforce this conclusion the well known examples of women who have helped to make Jewish history are cited. In books and discourses on the Jewish woman we are reminded that the matri-

archs were held in almost as high esteem as the patriarchs; and that Abraham was commanded by God to attend to Sarah's voice. Reference is made to the idyllic love of Isaac for Rebecca, and to Jacob's devotion to Rachel. Emphasis is placed upon the part that woman played in the Exodus, and upon the importance accorded to the song of Miriam; upon the achievements of Deborah as leader and prophetess of her people in time of great crisis; the influence that Hannah wielded through the dedication of her son Samuel to the service of God; the remarkable independence of Abigail; and the place Athaliah held in the political counsels of her day. It is to a woman prophet, we are told, to whom King Josiah sent his ministers to ask for the interpretation of the warnings contained in the newly discovered scroll of the Torah. The fact is stressed that two books in the Bible are named after women, the one Ruth, progenitor of the great King David, and the other Esther, who saved a large section of Jewry from extermination.

Likewise, in post-biblical literature, women like Judith, Susanna, and Hannah, the mother of the seven martyred sons, and Queen Salome are shown to have enhanced Jewish life. Much is made of the appreciation accorded to outstanding Jewish women during Talmudic times. Women like Rachel, the wife of R. Akiba, Beruriah, the wife of R. Meir, Imma Shalom, the wife of R. Eliezer, are held up as great models of virtue, honor, wisdom, and self-sacrifice. The Middle Ages likewise are replete with names of Jewish great women, women who were Talmudic scholars, delivered addresses in public and who rendered great social service in rescuing the victims of persecution from dire distress. It is further pointed out that not only these women of note contributed to the conservation of Jewish life, but that myriads of Jewish women who have remained nameless have displayed unparalleled loyalty and devotion to their people and faith. For Jewish women to have contributed so materially to the survival of their people, it is argued, necessarily presupposes due appreciation and regard on the part of the men in Israel.

As further evidence of the high place accorded to the Jewish woman in the life of ancient Israel, numerous maxims are quoted, maxims which recommend due deference to her worth and character. In the Torah, the son is commanded to honor and revere his mother. The author of Proverbs urges the son not only to listen to his father's instructions, but also to obey his mother's directions. The Talmud abounds in teachings that advise the husband to love and honor his wife even more than himself. The Rabbis undoubtedly paid woman a high compliment when they interpreted the statement: "Thus shalt they speak unto the house of Jacob and declare unto the children of Israel" as implying that Moses was to give priority to the women of Israel in making known to them the meaning of the revelation at Sinai.

All the foregoing facts and maxims, however, tell only half the story. It is well known that among ancient people, both primitive and civilized, the woman was considered as possessing mystic power which, in the case of some, was believed to amount to godhood and in others to express itself as witchcraft or as the gift of prophecy. That had nothing to do with the actual position which the woman occupied in every day life. The Christians, who defied Mary, did not allow women to come near the altar. It is, therefore, incorrect to infer from the renown enjoyed by the few exceptional women of Israel that the woman was accepted as the equal of man, or that she even enjoyed what we now consider the inalienable rights of a human being. The ancient world was man's world, and the Jews were no different from the rest of mankind in that respect.

The other side to the story of woman's position in the past is reflected in many maxims in disparagement of her which counterbalance the maxims in her favor. In the biblical account of man's origin, it is man alone that is described as coming from the hand of God, whereas woman

had to be formed from man's rib, as an after thought, so to speak, when man failed to find a companion for himself among the other living beings that were made to pass in review before him. Abimelech, the King of Shekhem, in his dying moments, could not bear the thought of meeting his death at the hands of a woman, so he ordered his armor bearer to kill him outright. Not much respect is shown to the woman in the Mishnah in *Abot* where the man is warned against engaging in too much conversation with a woman, even with his own wife. Few statements can be so repugnant as the one which associates indecency with the woman's voice. R. Eliezer, the man who had Imma Shalom for a wife, should have known better than to say that there is no wisdom for woman except at the distaff. And R. Meir, who had Beruriah for a wife, should have been the last to give us that benediction in the liturgy in which the Jew thanks God that he was not born a woman.

The truth of the matter is that the lot of the Jewish woman was far better than her status. In this respect, too, the Jews were no different from any other people. Westermarck points out that even among primitive peoples, where the woman is always in bondage to her male relations, either to a father, husband, or brother, she is seldom made to experience the logical consequences of her position. The husband, for example, cannot punish or divorce his wife without the consent of the tribe. Husbands, as a rule, are fond of their wives, and wives are loyal and affectionate to their husbands. Among the Guinea Indians woman is held to be as completely the property of man as is his dog; he may even sell her, if he chooses. Yet, even among them the woman in a quiet way exercises considerable influence. In general, it is true that among savages the married woman, though in the power of her husband, often occupies a respected position in the family and the community. All this, however, does not mitigate the evil of inferior status which the woman occupied in ancient society. A happy lot often goes together with a status of subjection. Thousands of slaves in the South deplored their emancipation. They undoubtedly enjoyed greater security and were accorded much kindlier treatment than have fallen to the lot of the negro since the Civil War has made him a free man. But from the standpoint of human values, one would hardly regard slavery as tolerable.

It is this confusion between lot and status which is responsible for the wrong evaluation of the well known chapter in the Book of Proverbs about the woman of valor. That chapter is mistakenly regarded as placing the woman on a high pedestal. It does nothing of the kind. It is the flattery paid by a parasitic husband to the hard working wife who slaves for him. She works from early dawn to late at night, buys and cultivates her fields, attends to all the needs of her family, dispenses alms and renders service, and all for what? That her husband might have no lack of gain, and spend his time with his cronies in the city gate, where they squat and smoke their narghiles.

II.

Whatever the woman's lot may have been in past Jewish life, traditional Jewish law undoubtedly treated her as a lower type of human being than man. In Jewish law, the woman is on the same plane with minors, slaves, and people of unsound mind. Like them she is exempted from all observances which are intended for fixed times, with very few exceptions. She is exempt from such *mizvot* as *Shema, Tefilin, Zizit, Shofar,* and *Sukkah.* She cannot help to make up a quorum necessary for public prayer, nor is she considered worthy of being included in the *mezuman* for the recital of the benedictions after a meal. If, as an expression of pious devotion, she should write a *Sefer Torah,* it would be unfit for use in public worship. Together with minors and slaves, women are exempt from the study

of the Torah. The father is under no obligation to teach his daughter Torah, nor is the mother expected to teach her son. She is only permitted, but not commanded to study Torah, and that permission is extended only to the written, but not to the oral Torah. It is a generally accepted principle in Rabbinic literature that the reward for performing a duty which is optional is far below the performance of a duty which is obligatory. Hence, the woman who does take advantage of the permission to study the written Torah must not expect any too great reward. The father who teaches his daughter Torah is regarded as though he taught her frivolity.

It is not only in matters religious, however, that the woman is made to feel her inequality, but principally in matters juridical. The woman is unqualified to act as witness, to say nothing of her acting as judge. Exception is made in the case of a woman testifying in behalf of another woman whose right to remarry is in question. Maimonides, in quoting that law in his Code, finds it necessary to tell the reader not to be surprised at this concession to woman. It is really not a concession, he adds. The reason her testimony is accepted is that the truth is bound to come out in the end. For that reason, even a slave's testimony would be accepted under those circumstances. Moreover, the woman has no standing in the law of inheritance. The provision made for the sustenance and marrying off of daughters at the expense of their father's estate was not derived from the principle of inheritance, but was dictated by the fear of the social consequences of their being left without some means of support.

But it is in the marriage relationship chiefly where the woman's inferior status is fraught with tragic consequences to her. In traditional Jewish law, the marriage relationship is practically on the same plane as the relationship between master and slave. The man, in marrying the woman, acquires her or gets possession of her. The technical term in Jewish law is *kinyan.* The term *kiddushin* for the marriage act has nothing of the connotation of sacredness about it, all the fine preachments to the contrary notwithstanding. The fact that the husband must perform the threefold marital duties toward his wife in no way raises her status much above that of a menial. This is evident from the law which prescribes that every woman must perform for her husband the five following services: spin and weave, wash his hands and face, pour the wine, prepare the bed, and wait on him. These services are obligatory no matter how much wealth the woman brings to him at marriage. If she refuses, says Maimonides in his Code, she may be compelled by the use of the rod. The Sages have commanded, adds Maimonides, that the husband should love and honor her more than himself, and should not intimidate her unduly. He should speak gently with her; he should not be irascible or cranky. On the other hand, they have also commanded the woman to honor her husband implicity. She should always stand in awe of him. She should do his bidding and consider him as though he were a prince or king. She should comply with all his wishes and remove from his presence whatever annoys him. The homiletic statement that a woman's place is in the home, Maimonides formulates into law. According to him, the husband should prevent his wife from being seen too frequently outdoors. About once or twice a month is all that she should be permitted to leave her house. Maimonides makes it a duty for the husband to cultivate jealousy toward his wife, though he advises that the husband should not go to extremes.

Whatever the wife earns or whatever she happens to find, according to Jewish law, belongs to her husband. All the income of the possessions she brings to him at marriage belongs to her husband. Even if she works overtime, the surplus belongs to her husband. If she dies during his lifetime, he alone can inherit her. After his

marriage, no promise to waive this right is binding upon him.

The woman experiences the worst effects of her inferior status when she can no longer continue to live with her husband. It is then that his mastery asserts itself. He alone has the power of divorce. According to traditional law, he can divorce her arbitrarily without her consent, or refuse to grant her a divorce, no matter how much she would welcome it. The reform instituted by R. Gershom, which necessitates her consent, has not been universally respected, and can be easily circumvented, since the husband can threaten to desert his wife, and thus deprive her of the right to remarry. On the other hand, the wife cannot divorce her husband under any circumstances. It is true that there are a number of specified conditions under which the Jewish court may compel the husband to divorce his wife. In the first place, those conditions are far from including the more personal reasons for incompatibility, and secondly, if the husband leaves the jurisdiction of the Jewish court, the woman is left without redress. "While in form the husband executed the divorce," writes Rabbi Louis M. Epstein in "The Jewish Marriage Contract," "in essence Talmudic law recognizes the woman's right to divorce her husband, or to be more exact, to institute divorce action. And if her petition is granted, the court forces the husband to issue the bill of divorce." In the light of objective fact, the foregoing statement is incorrect and misleading.

Another instance of the ill effects of the woman's inequality is apparent in the case of the childless widow whose deceased husband is survived by one or more brothers. The childless widow cannot remarry unless she obtains a release (*Halizah*) from her husband's brother. This situation can easily be exploited by an unscrupulous brother-in-law to extort money. But even where extortion is not resorted to, unfortunate developments may hinder her remarrying, as when, for example, the deceased husband is survived by a brother who is only an infant. Under these circumstances, the woman has to wait thirteen years until the infant becomes of age to grant a release before she is permitted to remarry.

III.

The purpose in calling attention to these laws is not to convey the impression that the status of the Jewish woman was worse than that of the woman in any other ancient civilization. The fact is that in many respects it was much better than that of the woman under Roman or Greek civilization. In pre-Christian Germanic law the man could with impunity sell, give away, lend, and even kill his wife. In Christianity, Paul's teaching that it is the duty of the woman to be subservient to her husband has been regarded as authoritative. As late as the thirteenth century we find that, in Germany, the husband was advised to chasten his wife only with a rod, as comported with the dignity of an honorable man. Toward the end of the sixteenth century the Church was still discussing the question whether the woman was a human being in the full sense of the term.

There can be no question that the Jews possessed a more wholesome sex morality and a more adequate appreciation of the family institution than other peoples. This fact by itself was sufficient to mitigate the evils resulting from the inferior status of the woman. Nevertheless, it is entirely untrue to say, as does a recent pamphlet on "Woman in Jewish Law and Life" that the "testimony of Jewish scholars, whose utterances have been so extensively cited, lend support to the conclusion that woman was not accorded by Jewish law essentially inferior to man." The very statement from George Foot Moore quoted in proof of this generalization contradicts it. The statement reads: "It is interesting to note that the tendency of courts and custom has been to protect the woman. The law could not be abrogated, but ways to minimize its ill effects as society changed were adopted." This is a

different thing from saying that her position was not inferior to that of the man.

The important point to remember is that *modern* civilizations are gradually recognizing the need of granting the woman complete equality with the man. It cannot be long before the woman will enjoy all the rights that go with full-fledged personality. This fact is enough to constitute a challenge to us Jews. The question we must be prepared to answer is: what will Judaism do to abolish the woman's judicial, juridical and civic disabilities, and how will it proceed to do it?

Already during the first decades of the Jewish Emancipation the Jewish woman felt that she was accorded a more dignified status outside Jewish life. This explains why many talented Jewish women not only began to lose interest in Jewish life but actually turned against it. Its scope was felt to be too limiting for women of the type of Henrietta Herz, Dorothy Mendelsohn, and Rachel Levine. If we do not want the gifted women among us to develop the kind of antipathy which has led so many of them to become the most violent Antisemites, we must find a place in Judaism for their powers. Such a place presupposes the removal of all taint of inferiority.

What our answer will be to the present day challenge to the traditional status of the Jewish woman depends upon our conception of Judaism. So long as we insist upon viewing Judaism as being only a religion, no satisfactory answer is possible. If we adopt the Reformist version of Judaism, according to which it is an historically evolved religion, we come to the conclusion that Jews constitute only a religious community. Then the problem of woman's equality is confined to matters of religion and is easily solved, as experience has proved. When the Reformist movement was in the process of crystallization, such questions as whether women may sing in the choir, or how men and women should be seated in the synagogue, and to what extent women may lead in worship, summed up practically all the matters that had to be settled in the light of the new dispensation. Whether the Jewish woman should be accorded civic equality in Jewish life was no problem, since the communal life of Jewry was to be dissolved. Nor did the problem of her juridical equality require serious consideration, since in matters juridical the Jews, according to Reformism, were to surrender all claim to self-government and to recognize the State as the sole arbiter. That applied principally to questions of marriage and divorce. On the other hand, if we subscribe to the Orthodox conception of Judaism as a religion, there is no possibility of changing the status of the Jewish woman, because from the Orthodox standpoint, Judaism is a religion in the sense of being a sum of supernaturally revealed teachings which are immutable. No consideration of social utility can modify the written or oral teaching.

IV.

The first clash with Orthodoxy on the question of the woman's status took place in Palestine in 1921, when the mandatory power called upon the Jews to organize themselves into the Jewish Community (*Keneset Yisrael*). That Community is represented by the National Jewish Assembly (*Asefat ha-Nibharim*), the members of which are elected by the people. The question then arose whether the women should have the right to vote. Both in Palestine and in Orthodox circles throughout the diaspora the question was then debated with a great deal of heat and rancor. Even the somewhat liberal Mizrahi came out against the women's right to vote. The learned Orthodox opinion was on the whole uncompromisingly opposed; only a few ventured the opinion that women may vote. But all Orthodox spokesmen were unanimous that women may not hold office. The basis for this unanimous decision against the right of the Jewish woman to hold office is the Deuteronomic law with reference to the appointment of a king in Israel. In comment of the law the Tan-

naitic Midrash (*Sifré*) adds that only a king may be appointed, but not a queen. Maimonides, disregarding the fact that this Tannaitic comment had not been incorporated into the Mishnah, nevertheless included it in his Code, and extended its application to all official appointments. In spite of Orthodox opposition, however, the Palestinian women banded themselves into an organization known as the Jewish Women's Equal Rights League, which agitated for the right both to vote and to hold office. The Jewish women in Palestine are by now well on the way toward attaining civic equlaity. Even the Mizrahists who fought bitterly against them do not mind sitting together with them in council.

Of even greater significance is the problem with regard to juridical equality of the Jewish woman in Palestine. When the mandatory government reorganized the judicial system of Palestine, it accorded to the rabbinic courts exclusive authority over matters of marriage and divorce, maintenance, and probate of wills. In view of the fact that the practice of polygamy has not ceased among the Sephardic oriental Jews, the law of Palestine finds it necessary to recognize both the Ashkenazic and Sephardic interpretations of the traditional status of the woman. The British civil administration, realizing that it would be impossible for those women who have emancipated themselves from the stringency of Jewish tradition to submit all their difficulties to the rabbinic court, asked the Jewish Women's Equal Rights League for suggestions. The League, in reply, advised that secular Jewish courts be established which should have the power to decide on issues of inheritance, guardianship, majority, and maintenance, and that it be optional with Jews as to which court to resort to, the rabbinical or secular. *What is this compromise, if not an admission that there is no hope of ever getting the traditionalists to adjust Jewish law to the needs of present day life?*

V.

The problem of the status of the Jewish woman is not confined to Palestine. In the diaspora, it is bound up with the entire question of the future development of Judaism. If Judaism is to develop along Reformist lines, the problem is practically solved. But it is solved with the same kind of success as that of the surgical operation which, from the surgeon's standpoint, may be entirely successful regardless of the fact that the patient is dead. The problem of the status of the Jewish woman is solved in Reformism at the price of the disappearance of the last vestige of autonomous Jewish life. On the other hand, if Judaism is to continue along Orthodox lines, the difficulties in marriage and divorce due to the traditional status of the Jewish woman will remain forever unresolved. From the Orthodox standpoint, the status of the Jewish woman must continue to be one of inferiority to that of the husband, and no way can be found to alter that status. Recently the left Orthodox wing, known as the Conservative group, has made an attempt to solve the problem of the *Agunah* within the limits of the traditional law. So far they have met with nothing but abuse from the Orthodox rabbinate. They have even been threatened with having the ban invoked against them, if they dared to put their proposal into effect.

The only hope of a satisfactory solution rests with those who will learn to accept Judaism as a civilization. This means that Judaism must find expression in law, but not necessarily in traditional laws. As a civilization, Judaism must, in the first place, express itself through the medium of civic organization, or authoritative communal life, and secondly exercise juridical authority to adjudicate in cases of conflicting interests. Henceforth, however, *social well being in the highest sense of the term rather than immutable precedent must govern the civic life of Jewry, and control whatever juridical institutions Judaism can manage to maintain in the diaspora.*

The basic issue in Jewish life today is: what shall be done with the law? Shall it be defended? Shall it be ended? Shall it be amended? The Orthodox insist upon upholding the traditional law in all its details, in spite of the radical changes which have rendered many of those details contrary to our notions of social and spiritual welfare. The Reformists who have abjured the nationhood of the Jewish people have consistently declared the prerogative of administering law in human relationships as outside the scope of modern Judaism. In the face of these two untenable positions as illustrated by the pressing problem of the civic and juridical status of the Jewish woman in modern Jewish life, it is difficult to see how it is possible to build Jewish society on any other lines than those implied in Judaism as a living social process, in which the right to amend traditional law and to legislate anew is accepted as organic to the very life of the Jewish people and the only guarantee of its future.

In an address recently delivered by Henrietta Szold (*The New Palestine,* Jan. 17, 1936) she indicated that what had led her to become a Zionist long before Herzl was not antisemitism, but the hope that Palestine would restore the Jewish people to normality. "But for me," she added, "normality was the development of the Jewish laws under the circumstances of modern life." She deplored, however, the fact that "the law has not even been touched in the case of women, and Jewish law in the case of women is very reprobate. (She probably said "retrograde"). Take the question of the *Agunah,* who is neither wife nor widow. There are thousands upon thousands of *Agunot,* and our rabbis and our great *Gaonim* have not even touched that phase, despite the fact that we have the possibility of a normal development."

While the traditional status of the Jewish woman compares favorably with that of the woman in other civilizations in the past, it is a stumbling block in the way of her contributing the best that is in her to the life of her people, and of her people enriching her life culturally and spiritually. There is no way of reconciling that status with her welfare and highest interests in our day. It is high time for the Jewish women throughout the world to inaugurate a movement that would aim to remove the religious, civic and juridical disabilities which traditional Jewish law imposes on them and that would win for them the status of religious, civic and juridical equality. This change in the status of the Jewish woman is an immediate and urgent need for Palestine Jewry. Without such change, Jewry in the diaspora is bound to grow culturally sterile and spiritually anemic.

According to Rabbinic legend, the Israelite women in Egypt displayed a piety which helped to bring about the redemption of ancient Israel. In demanding an equal share in the responsibility for the social and spiritual well being of their people, the Jewish women of today will manifest the piety that will speed the redemption of modern Israel.

Jewish Narrative Literature

By Ira Eisenstein

AS the eye is the window of the soul of a person, so literature is the window of the soul of a people. This is especially true of narrative and legal literature. The latter reveals the nature of a people's basic institutions. But I am particularly concerned here, however, with the function of the story-teller.

The story-teller is different from the poet, the philosopher, and the essayist. They set forth their personal views. Often, it is true, we may infer from their creations the civilizations in which they lived. Their language, vocabulary, allusions and their universes of discourse reflect, to a large extent, the society in which they move and have their being. But the story-teller speaks less with his own voice, more with the voice of his people. The men and women who inhabit his tales reveal to us the social institutions, the habits, the folkways, the social ideals, the religion, of their civilization. The poet, philosopher and essayist, at their best, reach out for universal values, and incidentally, the contours of their society and their age emerge. The story-tellers, on the other hand, utilize for their raw material the distinctive patterns of a group life, and, at their best, a by-product of universal values emerges.

If Judaism were only a religion, we should expect that the mass of Jewish literature should be the product of the philosopher, the poet and the essayist. It should be purely metaphysical and ethical. It should deal with the nature of reality, and the theoretic exposition of man's relation to man which follows as a corollary of some concept of the nature of reality. It should be basically a literature of universal values, in which the social and political life of the group from which its authors derived are distinctly secondary. We should expect that the purely national character of the literature would be an accident of circumstances. If, however, Judaism is a civilization, we should expect a vast literature of narrative to have been created over the vast span of its history, a literature which reflects a social, cultural and political life, an organic group life. Events, episodes, constitute the substance of living; ideas, philosophies, religions constitute the crystallization in the minds of gifted individuals of the significance of one or a group of events or episodes. In a civilization, therefore, the basic literature is narrative. Religious and philosophic literature are the later growths.

And, indeed, narrative literature is predominant in all civilizations. The epics of the Greeks, the Finns and Teutons are narratives albeit couched in the heightened language of the poet; they are the first fresh outgrowth of the nations' genius. They represent complete civilizations, primitive or advanced, but complete, fraught with all the memories, heroes, places, customs, mores, of the people which gave them birth. Where narrative flourishes, there is a complete civilization.

Now our people has been led to believe that all we have in common is religion, and characteristically enough, we have been nourished with maxims, aphorisms, ethical precepts, concepts, religious beliefs. Our literature has been stripped and impoverished, and we have been fed the pills of universal ideas. From the time when Menassah ben Israel first attempted to explain Judaism to the modern Christian world, down to very recently, we have tried to convince others and ourselves thta what differentiate us from the rest of mankind was our *idea* of God, our *idea* of the ethical life, our *idea* of immortality. It would take us too far afield to try to describe the forces that have been responsible for this emphasis upon universal values alone. The Emancipation and the Enlightenment, in brief, impelled our leaders to represent us as a philosophic school rather than as a nation of struggling, striving human beings whose

memories and whose present preoccupations and habits comprise a whole civilization.

We therefore welcome wholeheartedly "The Jewish Caravan" by Leo W. Schwarz,* which brings to us "more than a compilation of stories; it is a collective portrait of the Jewish people, and reflects, insofar as literature is a reflection of life, the social development of this unique people over a period of almost three thousand years." It gives us "a glimpse into the inner life of the Jewish people, into the social habits and social changes that dominated their every day existence." Mr. Schwarz has rendered an invaluable service. It is a service not only because of the quality of the selections, of their translations, of their excellent introductions, their arrangement; not only because of the opulence of the material and the real beauty of the volume itself. These features of the book in themselves would indeed merit our gratitude to Mr. Schwarz. But he has performed a significant task.

He has reopened to the English reading Jewish public (and non-Jewish too, we hope) the extensive narrative literature which we have needed so badly to indicate to ourselves the true character of this phenomenon we call "Judaism" or Jewish life. By his very decision to select, edit and publish the Jewish "Great Stories of Twenty-Five Centuries," he has carried out logically (and artistically) the tendency which began with the *Wissenschaft* and historical development of the last century. When Jews became aware of the fact that they had a *history,* they got their first glimpse into the real nature of our identity, and into its twofold character: that we are a nation, a civilization, and that we have evolved. It is strange that our people, the first to be aware of its history, should have been among the last in modern times to take to rewriting its history. But we have achieved that stage. Influenced, however, by the exigencies of our circumstances, we wrote only about the history of our ideas. Mr. Schwarz has now presented us with the content of our history as a social organism, as a people who lived and loved and traveled, believed and disbelieved, quarreled and fought and worked, dreamed and died.

Mr. Schwarz obviously intended that "The Jewish Caravan" should bear this significance; otherwise, there would have been no reason for him to have troubled himself. The reading public has already been given anthologies. "Yisroel," for example, published just a few years ago, purported to be a collection of Jewish stories; but it failed to have any significance, because the stories were selected on a completely different and, I think, unfortunate basis. The editor of that volume chose stories which happened to be written by authors who happened to be Jews. Among those many who happened to be Jews were, of course, some who utilized Jewish life for their materials. Many, however, must have been shocked to find their stories in a collection entitled "Yisroel," for they never intended them to be Jewish stories. The only purpose that book served was to show the world that men and women, known as Jews, could write good stories.

Edmond Fleg too published a Jewish Anthology. He came somewhat nearer to what was needed, but by attempting to represent every type of literary creation, he was compelled to be highly selective, and gave the impression of paucity.

But it is not necessary to minimize the importance or value of any other collection (nor is that my desire) to express our gratitude to Mr. Schwarz for making available to us this golden treasury of Jewish literature. It answers our deep-seated need for content in our Jewish lives. By answering that need, he has made us conscious of it; and conscious of it, we realize that Jewish life can be made meaningful and satisfying to use only if we continue to regard Judaism as a complete civilization and strive to create those conditions which will elicit more of the kind of literature which "The Jewish Caravan" contains.

*Farrar and Rinehart, New York, 1935.